

REMARKS

The Amendments

These amendments were discussed with Examiner Qazi by telephone on February 17 and 23, 2006. A tentative agreement was reached that these claims would remove the outstanding rejection on appeal and the appeal could, thus, be withdrawn – pending further review by the Examiner.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The 35 U.S.C. §112 Rejection

The amendment renders moot the sole rejection remaining in the appeal. The Examiner's Answer evidences that only the rejection of claims 53, 54 and 65 under 35 U.S.C. §112, first paragraph, remained. See, e.g., part (10) Grounds of Rejection on page 4, noting that the art rejections over Ojasoo and Roussel-Uclaf only applied if the proviso was removed and page 8 noting that the art rejection over Arunachalam was withdrawn.

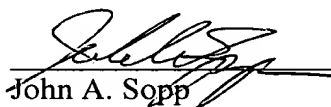
The remaining 35 U.S.C. §112 rejection pertained to the addition of the 3rd and 4th compounds listed in the proviso at the end of claim 53. This recitation is removed by the above amendment, thus, rendering moot the grounds of rejection. The proviso is no longer needed because the option of "unsaturated" groups is removed from the definition of R¹⁶, thus, eliminating the possibility for these compounds with a 16-position ethynyl group. Correspondingly, claims 54 and 63 are amended to remove compounds with a 16-position unsaturated group. The amendment is supported because it merely removes one optional definition for the R¹⁶ group; since the unsaturated groups were optional, removing that option

finds support in the disclosure. Further, a review of the specifically exemplified compounds in the original disclosure will show that none contain an unsaturated group at the 16-position, thus, further supporting the proposed amendment.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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